

AUG 09 2005

**NEBRASKA DEPARTMENT  
OF INSURANCE**

RESPONDENT.

CAUSE NO. A-1629

Jul 27, 2005 ACCT# 8521 \$500.00  
NO-INVOICE TRAM# 1485275  
SCHAAKE SR, RYAN D  
CHECK# 4419

## JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001, et seq.
2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

## STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Ryan D. Schaaake, Cause Number A-1629 on July 5, 2005. A copy of the petition was served upon the Respondent at the Respondent's home address and registered with the Department by certified mail, return receipt requested.
2. Respondent violated Neb. Rev. Stat. §44-4061(1) and Neb. Rev. Stat. §44-4059(1)(b) as a result of the following conduct:

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OF INSURANCE**

- a. Respondent, who is a licensed resident insurance producer appointed with Bankers Life, assisted a Bankers Life client, Janet King, with completing a Fortis Insurance Company (Fortis) short-term medical application. Respondent is not appointed with Fortis.
- b. Since Respondent was not appointed with Fortis, Respondent submitted the application to Cheryl L. Jensen (Jensen). Jensen added her agent information to the application, without ever meeting or contacting King directly, and submitted it to Fortis for issue. Fortis did issue the policy and, after subsequent investigation by Scott Zager, insurance investigator for the Nebraska Department of Insurance, Fortis alleged that Jensen's actions were proper.
- c. The application does not identify Respondent as the agent or even reference him being present or performing any activity with regard to the transaction despite his admission that he, in fact, assisted King with the application.
- d. The application contains language that states "the agent acknowledge(s) that the applicant has read, or has had read to him, the completed application." The application denotes that Jensen is the agent that submitted the complete application to Fortis.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained stated in Paragraph #2 above.

#### CONCLUSIONS OF LAW

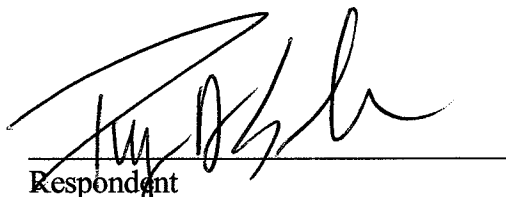
Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-4061(1) and Neb. Rev. Stat. §44-4059(1)(b).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Ryan D. Schaake, that he shall pay an administrative fine of \$500. The fine shall be paid in total within thirty days after the Director of the Department of Insurance affixes his signature to this document and approves said consent agreement. If Respondent fails to pay this fine in the time specified, his Nebraska's insurance producers license shall automatically be suspended. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.



Martin W. Swanson, #20795  
Attorney for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402)471-2201

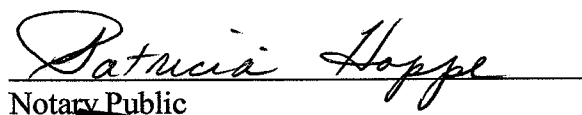
  
Respondent

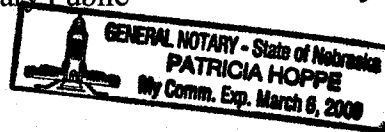
7/25/05  
Date

25 July 2005  
Date

State of Nebraska )  
County of Douglas ) ss.

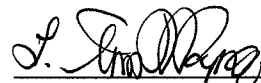
On this 25 day of July, 2005, Ryan Schaake personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

  
Notary Public



I hereby certify that the foregoing Consent Order is adopted as the Final Order of the  
Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs.  
Ryan Schaake, Cause No. A-1629.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



L. TIM WAGNER  
Director of Insurance

August 9, 2005  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at  
14507 California Street, Omaha, Nebraska 68154, by certified mail, return receipt requested on this  
9<sup>th</sup> day of August, 2005.

